

EXHIBIT B

1. Dr. Faber did not complain about billing issues or how claims were being billed. *See* Doc. 22-5 at ¶ 6; Doc. 22-8 at ¶ 8.
2. Dr. Faber did not have responsibility for and was not involved in billing insurance companies or patients for services provided. Doc. 22-1 at 52:15–19; 113:13–16.
3. Dr. Faber did not review bills, discuss billing with anyone, or have knowledge about how patients were billed for services or whether they were billed at all. Doc. 22-1 at 113:13–16; 116:3–117:4; 121:16–122:24.
4. Dr. Faber’s lawsuit is not about the bills that go to Medicare; it is about the interactions that happened around whether or not a patient should be admitted, not the end product that goes to any billing service or payor. Doc. 22-1 at 116:12–117:4 (“I think that’s a lot more accurate way of saying it,” that the “complaints are about the interactions that happened around whether or not a patient should be admitted, not the . . . end product that goes to any billing service or payor”).
5. Dr. Faber’s complained-of interactions are about whether patients should be admitted or sent home. *Id.* at 116:12–117:4; Dye Decl. ¶ 8.

6. Before he was terminated, Dr. Faber stated that his concerns about the ED were based on patient safety, not improper billing or coding. *See* Doc. 22-2 at ¶ 15 (Dr. Faber stating that he did not “feel either Dr. Dye or Odeti are as concerned as our hospitalist team about patient safety,” and that he has “been censured about [his] concerns for patient safety”).

On Dr. Faber’s Job Performance

7. Dr. Faber had a longstanding pattern of disruptive behavior and disrespectful treatment of his colleagues. *See* Doc. 22-8 at ¶¶ 5–7; Doc. 22-7 at ¶ 4.
8. There were many more disagreements between ED doctors and Dr. Faber than with other hospitalists. *See* Doc. 22-4 at ¶ 8; Doc. 22-7 at ¶ 4.
9. At least five doctors and two physician’s assistants believed Dr. Faber pushed for discharge of patients when they felt it was unsafe to do so. Doc. 22-4 at ¶ 12.
10. On nights that Dr. Faber worked, it could be difficult to manage ED patient flow due to the number of disagreements between him and other providers. Doc. 22-4 at ¶ 8; Doc. 22-7 at ¶ 4; Doc. 22-8 at ¶ 7.
11. Multiple ED physicians did not want to work on the same shift as Dr. Faber, which made it harder to staff the ED. Doc. 22-4 at ¶ 14; Doc. 22-5 at ¶ 8.
12. Some physicians said they were never coming back to JMH because it was difficult to take care of patients as long as Dr. Faber was working there. Doc. 22-4 at ¶ 14; Doc. 22-5 at ¶ 8.
13. Dr. Faber sent racially charged emails about a colleague’s accent. Doc. 22-2 at ¶¶ 15–16.
14. In his January 7 email to his church, Dr. Faber complained about a “Hindu mid-level manager who . . . follows more of an Art of War style . . . our adversary is not people.” This racially charged, bigoted language was of great concern to JMH and MSPG. *See* Doc. 22-2 at 10; Doc 22-9 at ¶ 8.
15. In that same email, Dr. Faber suggested that the Abingdon community could not “trust [JMH’s] services.” *See* Doc. 22-2 at 10.
16. This, too, was extremely concerning to JMH and MSPG. *See* Doc. No. 22-9 at ¶ 8.

17. Dr. Faber was combative with patients and was dismissive, condescending and unkind toward them. Doc. 22-6 at ¶ 13.
18. JMH received patient complaints that Dr. Faber was unprofessional and argumentative with the patient's family and made the patient feel that he "did not want to help [her]." Doc. 22-2 at ¶ 17.
19. JMH received patient complaints that Dr. Faber spoke condescendingly to a patient's family and undermined the ED providers in front of patients. Doc. 22-2 at ¶ 18.
20. Though multiple colleagues attempted to mentor Dr. Faber and speak to him about his issues interacting with colleagues, his behavior did not change. Doc. 22-2 at ¶ 12.

On Dr. Faber's Termination

21. On December 23, 2019, Nick Branham requested that Patty Turner draft a termination letter for Dr. Faber. Doc. 22-2 at ¶ 28.
22. Though Nick Branham had determined to terminate Dr. Faber's employment by December 2019, he waited to terminate him, hoping he could find another hospitalist to cover night shifts first. *See* Doc. 22-2 at ¶ 7.
23. MSPG and JMH were greatly concerned that Dr. Faber's email to his church listserv because he made bigoted statements about a Hindu colleague, and because he falsely suggested that the community could not trust the care at JMH. *See* Doc. 22-9 at ¶ 8.
24. Dr. Peters had no advance knowledge of MSPG's plan to terminate Dr. Faber in December, or any knowledge of the termination before it occurred. Doc. 22-7 at ¶ 9.